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In re Application of	:	OFFICE OF PETITIONS
Dewar	:	LETTER REGARDING PTA
Application No. 09/878,245	:	
Filed: June 12, 2001	:	
Atty. Dkt. No.: 2951.03US02	:	

This letter is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," filed July 16, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed June 25, 2009 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 1,063 days. Applicant indicates that this adjustment does not reflect 77 days of applicant reduction in connection with supplemental replies filed April 7, 2006 and June 17, 2009. Applicant further indicates that the adjustment may have improperly accorded an adjustment of 120 days in connection with the mailing of a non-final Office action on June 18, 2007 in response to the corrected appeal brief filed February 12, 2007.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 872 days.

The application was properly accorded an adjustment of 1,142 days in accordance with 37 CFR 1.702(a)(1).

As indicated by applicant, the application was errantly accorded an adjustment of 120 days in connection with the non-final Office action mailed June 18, 2007. An appeal brief was filed October 18, 2006. A Notice of Defective Appeal Brief was mailed January 12, 2007. A corrected appeal brief was filed February 12, 2007. Thus, in accordance with 37 CFR 1.702(a)(2), the application is entitled to an additional adjustment of six days, not 120 days. The adjustment commenced June 13, 2007, the day after the date that is four months after the date that the corrected appeal brief was filed, and ended June 18, 2007, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(4).

The adjustment was properly reduced 199 days in accordance with 37 CFR 1.704(b). However, as indicated by applicant, the Office neglected to assess reductions in connection with the supplemental replies filed April 7, 2006 and June 17, 2009.

In accordance with 37 CFR 1.704(c)(8), the adjustment is properly reduced 70 days. The reduction commenced January 28, 2006, the day after the date that the initial reply to the non-

final Office action dated September 27, 2005 was filed, and ended April 7, 2006, the date that the supplemental reply (IDS) was filed.

In accordance with 37 CFR 1.704(c)(8), the adjustment is properly reduced seven days in connection with the supplemental reply filed June 17, 2009. The reduction commenced June 11, 2009, the day after the date that the reply to the final Office action dated March 13, 2009 was filed, and ended June 17, 2009, the date that the supplemental reply (IDS) was filed.


Accordingly, at the time of allowance, the application is entitled to an adjustment of 872 days (adjustments totalling 1,148 days less reductions totalling 276 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation

PTA Calculations for Application: 09/878245

Application Filing Date:	06/12/2001	PTO Delay (PTO):	1262
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	199
Post-Issue Petitions:	0	Total PTA (days):	872
PTO Delay Adjustment:	-191		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
137	09/07/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		70	
136	09/07/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		7	
135	09/07/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		120	
134	09/07/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	6		
121	06/25/2009	MAIL NOTICE OF ALLOWANCE			
120	06/23/2009	ISSUE REVISION COMPLETED			
119	06/23/2009	DOCUMENT VERIFICATION			
118	06/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
117	06/22/2009	EXAMINER'S AMENDMENT COMMUNICATION			
116	06/22/2009	NOTICE OF ALLOWABILITY			
115	06/17/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
114	06/17/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
111	06/13/2009	CORRESPONDENCE ADDRESS CHANGE			
110	06/10/2009	LETTER REQUESTING INTERVIEW WITH EXAMINER			
109	06/12/2009	DATE FORWARDED TO EXAMINER			
108	06/10/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
107	06/12/2009	DATE FORWARDED TO EXAMINER			
106	06/10/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
105	06/12/2009	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
104	06/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
103	03/13/2009	MAIL FINAL REJECTION (PTOL - 326)			

102	03/13/2009	FINAL REJECTION			
101	01/07/2009	DATE FORWARDED TO EXAMINER			
100	12/22/2008	RESPONSE AFTER NON-FINAL ACTION		32	98
99	12/22/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
98	08/20/2008	MAIL NON-FINAL REJECTION			
97	08/18/2008	NON-FINAL REJECTION			
96	06/13/2008	DATE FORWARDED TO EXAMINER			
95	06/06/2008	RCE- AF PROCESSED			
94	06/13/2008	DATE FORWARDED TO EXAMINER			
93	06/06/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		45	83
92	06/13/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
91	06/06/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
90	06/06/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
89	04/30/2008	MAIL ADVISORY ACTION (PTOL - 303)			
88	04/28/2008	ADVISORY ACTION (PTOL-303)			
87	04/17/2008	DATE FORWARDED TO EXAMINER			
86	04/02/2008	AMENDMENT AFTER FINAL REJECTION			
85	02/28/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
84	02/19/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
83	01/22/2008	MAIL FINAL REJECTION (PTOL - 326)			
82	01/18/2008	FINAL REJECTION			
81	11/23/2007	DATE FORWARDED TO EXAMINER			
80	11/19/2007	RESPONSE AFTER NON-FINAL ACTION		62	75
79	11/19/2007	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
78	11/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
77	04/10/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
76	04/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
75	06/18/2007	MAIL NON-FINAL REJECTION	120		65
74	06/07/2007	NON-FINAL REJECTION			
73	05/18/2005	INFORMATION DISCLOSURE STATEMENT			

		CONSIDERED			
72	04/09/2007	APPEAL BRIEF REVIEW COMPLETE			
71	04/09/2007	DATE FORWARDED TO EXAMINER			
70	02/12/2007	APPEAL BRIEF FILED			
69	03/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
68	01/12/2007	NOTICE -- DEFECTIVE APPEAL BRIEF			
67	10/25/2006	APPEAL BRIEF REVIEW COMPLETE			
66	10/25/2006	DATE FORWARDED TO EXAMINER			
65.1	10/18/2006	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
65	10/18/2006	APPEAL BRIEF FILED			
64	08/18/2006	NOTICE OF APPEAL FILED		29	51
63	08/18/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
62	07/19/2006	MAIL ADVISORY ACTION (PTOL - 303)			
61	07/17/2006	ADVISORY ACTION (PTOL-303)			
60	05/18/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	07/12/2006	DATE FORWARDED TO EXAMINER			
58	07/06/2006	AMENDMENT AFTER FINAL REJECTION			
57	05/05/2005	PRELIMINARY AMENDMENT			
56	05/18/2005	MISCELLANEOUS INCOMING LETTER			
55.7	05/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
55	05/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
54	06/08/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
53	05/18/2006	REFERENCE CAPTURE ON IDS			
52.7	05/18/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	05/18/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	04/20/2006	MAIL FINAL REJECTION (PTOL - 326)			
50	04/17/2006	FINAL REJECTION			
49	04/07/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48.7	04/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	04/07/2006	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
47	01/27/2006	NEW OR ADDITIONAL DRAWING FILED			
46	02/03/2006	DATE FORWARDED TO EXAMINER			
45	01/27/2006	RESPONSE AFTER NON-FINAL ACTION		31	43
44	01/27/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	09/27/2005	MAIL NON-FINAL REJECTION	1142		-1
42	09/26/2005	NON-FINAL REJECTION			
41	09/19/2005	MISCELLANEOUS INCOMING LETTER			
40	06/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
39	06/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
38	05/26/2005	CORRESPONDENCE ADDRESS CHANGE			
37	05/05/2005	MISCELLANEOUS INCOMING LETTER			
36	05/05/2005	PRELIMINARY AMENDMENT			
35	04/28/2005	CORRESPONDENCE ADDRESS CHANGE			
34	04/28/2005	CORRESPONDENCE ADDRESS CHANGE			
33	09/03/2004	REFERENCE CAPTURE ON IDS			
32.7	09/03/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	09/03/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	09/03/2004	PRELIMINARY AMENDMENT			
30	04/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
29	04/01/2005	FILE MARKED FOUND			
28	03/03/2005	CORRESPONDENCE ADDRESS CHANGE			
27	03/04/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
26	01/04/2005	FILE MARKED LOST			
25	12/13/2004	CASE DOCKETED TO EXAMINER IN GAU			
24	12/13/2004	CASE DOCKETED TO EXAMINER IN GAU			
23	09/09/2004	CASE DOCKETED TO EXAMINER IN GAU			
22	09/03/2004	WORKFLOW INCOMING AMENDMENT IFW			
21	05/17/2004	CASE DOCKETED TO EXAMINER IN GAU			
20	05/04/2004	CORRESPONDENCE ADDRESS CHANGE			
18.7	01/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	01/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

17.7	02/04/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	02/04/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16.7	06/12/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	06/12/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	06/24/2003	CASE DOCKETED TO EXAMINER IN GAU			
11	02/14/2003	CORRESPONDENCE ADDRESS CHANGE			
10	12/09/2002	CORRESPONDENCE ADDRESS CHANGE			
8	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
7	11/15/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	11/06/2001	APPLICATION DISPATCHED FROM OIPE			
5	11/01/2001	APPLICATION IS NOW COMPLETE			
4	08/08/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	08/07/2001	CORRESPONDENCE ADDRESS CHANGE			
2	06/21/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/12/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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